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### THE ROMAN REPUBLICAN CENSUS AND CENSUS STATISTICS

Ancient authors have preserved for us the census statistics from thirty-six lustra for the period between the foundation of the Republic and 70 B.C. These have been cited constantly by modern historians of antiquity to bolster their calculations of total population, of economic or social strength, or of military potential, and to indicate long term social and economic changes. To use the census figures for these purposes, however, requires a clear understanding of the nature of the census statistics. When Livy says that the number of *censu civium capita* was 394,726, what is he talking about?

We are blessed, it is true, with a number of answers to this question. Unfortunately, however, several of them are in direct contradiction to others. Each of the major theories has won a number of distinguished adherents because of the attractive manner in which it explained evidence or answered questions about the census. If all of the theories performed these functions equally well, we would indeed be at a loss; but if one explains or answers all or nearly all of the questions posed, while another does not, perhaps we shall have a basis on which to establish our own opinion.

Numerous though they are, conceptions of the nature of the census statistics for the most part fall under one

of four possible interpretations. These may be conveniently described as the theories of (I) Mommsen in his later stage, (II) Beloch and Frank, (III) Herzog and Greenidge, and (IV) Zumpt, Hildebrand, and Mommsen in his earlier stage. Although almost all the works hereafter cited contain much about the census which is fine and true, we must generally confine ourselves to a simple description of the viewpoints expressed in each on the nature of the census statistics which have been preserved. We are fortunate, however, in the fact that Mommsen's arguments for his final judgment may be stated briefly, and that his documentation is used in large part also by Herzog and Beloch, though from the same evidence they arrived at different conclusions. Therefore, after initiating a brief survey of the principal theories with a statement of Mommsen's final views, we may conveniently, and justifiably in his case, consider the validity of the support which he adduces for them.

(I) Mommsen believed that the figures given by ancient authorities represented the numbers of men on the army lists.<sup>1</sup> They represented the *tabulae iuniorum*, lists compiled by the censors of male citizens between the ages of 17 and 46 whatever their property qualifica-

<sup>1</sup> *Hermes* 11 (1876) 59; Th. Mommsen, *Römische Forschungen* (Berlin 1864-1879) II (1879) 401-404, *Le Droit Public Romain* (Paris 1887-1896) IV (1894) 93.

tion. Mommsen's *tabulae iniuniorum* represent a derivative list which was compiled from information in the censuses' more comprehensive statistics and which, for reasons unexplained, the annalists preferred to cite as representing the *civium capita* at each lustrum.

Mommsen had three reasons for his opinion: (1) When Livy gives his first census figures, he adds by way of explanation: *adiicit scriptorum antiquissimus, Fabius Pictor, eorum, qui arma ferre possent, cum numerum fuisse*.<sup>2</sup> (2) Dionysius states that no census had been taken for seventeen years when, in 443 B.C., the office of censor was created, and that no one knew, therefore, the number of men of military age.<sup>3</sup> Dionysius also uses the phrase *en hēbēi politōn* at various times when he gives the census figures for the period before the creation of the office of censor.<sup>4</sup> (3) The military potential of the Romans for the year 225 B.C. was given by Polybius as 291,300,<sup>5</sup> a number comparable to the census figure of 270,713 for 233 B.C.<sup>6</sup>

Of Mommsen's first argument it may be said that the meaning of the passage of Livy which he cited is exactly contrary to that which he attached to it. Livy gave Fabius' remark as something extraordinary. *Milia octoginta eo lustrum civium censa dicuntur; adiicit scriptorum antiquissimus, Fabius Pictor, eorum, qui arma ferre possent, cum numerum fuisse* can only mean that according to one of Livy's sources, and that the oldest, the figures of the first census were not exactly what one would expect, and he therefore indicated a possible qualification for this single instance. Nowhere else in Livy does this qualification appear with the census figures.

The first citation from Dionysius is not really pertinent. It merely states that if no census were taken for seventeen years, the number of men of military age was unknown. This is of course true. Fathers gave in the names of their children at the time of the census. Youths became eligible for military service at seventeen. After seventeen years the basic census lists would, then, be of no military value.

The language with which Dionysius accompanies his statistics is more puzzling. In five of the six passages in which he gives census statistics, he uses some form of the phrase *hoi en hēbēi*. Mommsen appears to believe that this refers to men of military age, specifically the *iniuniores*, yet at Book 5.75.3 Dionysius states that Larcius as dictator found *hoi en hēbēi Rhōmaioi* to number 150,700, and in the next sentence declares that, "after this he separated those of military age from the older ones." *Hoi en hēbēi* therefore did not mean the

*tabulae iniuniorum* to Dionysius. Precisely what it did mean to him is not clear. It may be that he is not pretending to be giving the figures of the basic census list, but rather is giving statistics somehow derived or calculated from them: it is to be noted that ordinarily he stated that a census was taken and then added, "from this it was discovered that the number of Romans *en hēbēi* was . . ." In one case where he used the phrase one might expect (9.36.3 *hoi timēsamenoi politai*), he said of them that they registered themselves, their wealth, and their *en hēbēi* sons. The number of persons so registering was 103,000, which is the latest (474 B.C.) and the lowest census figure given by Dionysius. A case could be made to show, then, that the Greek, Dionysius, tried to convert the census statistics which he found into the numbers of adult males, at least at such times as he desired to state the number of adult

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## STAFF

## EDITOR

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2900 Goulden Avenue, New York 68, N. Y.

## ASSOCIATE EDITORS

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## ASSISTANT EDITOR

Stanislaus Akielasek....Fordham University, New York 58, N. Y.  
[Also serves as C. A. A. S. Secretary  
for Distribution of Publications]

<sup>2</sup> Livy 1.44.2.

<sup>3</sup> Dionysius 11.63.2.

<sup>4</sup> Dionysius 5.20; 5.75.4; 6.63.4; 9.25.2; 9.36.3.

<sup>5</sup> Polybius 2.24. This figure was computed by Mommsen, *Römische Forschungen* (Berlin 1864-1879) II (1879) 382-406.

<sup>6</sup> Livy Ep. 20.

males in order to illuminate an historical situation. Such a procedure on the part of Graeco-Roman historians is not unparalleled. Herzog observed that both Livy and Plutarch stated the Roman strength at the time of Alexander the Great.<sup>7</sup> Livy set it at 250,000 (*capita*),<sup>8</sup> Plutarch at 130,000.<sup>9</sup> Plutarch appears to have been conscious of Livy's figures, but he converted the number into the portion of 250,000 which he conceived could be put effectively into the field. Or it may be that the truth lies with Tenney Frank's suggestion that Dionysius interpreted early figures in the light of Augustan practices. In any case, the evidence offered by Dionysius affords a very weak foundation for the view of the census statistics maintained by Mommsen.

The comparison of the census figures for 233 B.C. and the army potential of 225 was offered by Mommsen merely as corroborative evidence and need not delay us at present. Whatever significance it may have must depend on further investigation.

(II) In Beloch's opinion the figures reported at the time of the census by Livy (*civium capita*), Dionysius, Plutarch, and later authorities included all adult male citizens without regard for standing or wealth.<sup>10</sup> A similar view was expressed by Tenney Frank in two articles on the census statistics for the whole republican period.<sup>11</sup> He believed that until 339 B.C. the statistics embraced all free inhabitants, but that after the Latin War and the great expansion of the State only adult males were included.

(III) Herzog limited the numbers reported in the census to adult male citizens with the qualifications for army service.<sup>12</sup> This included both juniors and seniors but excluded most *proletarii* and freedmen. This view was adopted by Greenidge.<sup>13</sup> Proponents of this explanation seem to overemphasize the military aspects of the census, but they rely for proof most especially upon the rise in the census figures between 131 and 125 B.C. They believe that this rise reflects a rise in the number of persons who, thanks to the land assignments made under Tiberius Gracchus' land law, could then register with the censor sufficient property to meet the minimum requirements for army service.

(IV) An older view held that the census statistics which are preserved, especially those in Livy, represent

the numbers of persons of Roman citizenship who were *sui iuris*, that is, in their own power in private law. This conception appears in studies of the census made by Zumpt<sup>14</sup> and Hildebrand,<sup>15</sup> and was once maintained by Mommsen.<sup>16</sup> It has not received much attention in recent years, nor has it been subjected to the most important criteria.

There is something attractive about each of these explanations of the census statistics, though perhaps at the present time that of Beloch has the greatest following. While this is not the place to discuss in detail the distinctive features of the various views, it is perhaps only fair to warn readers to be suspicious of theories which prove to be based on the weakest of foundations: deductions made from the application of nineteenth century German and French population statistics to the still obscure conditions of republican Rome. This was done in many cases, moreover, with a splendid disregard for the language used by the Romans themselves in speaking of the census and of the figures derived from it.

The theories here so briefly described were, in any case, the products of the inductive interpretation of all, or of a large part, of the evidence. We have found in one case, however, that the evidence so adduced did not appear, upon close examination, to support the conclusions drawn. It would be tedious to repeat this performance with a great number of theories, each the result of close reasoning and of a laborious collection of data. A more practical approach would be, perhaps, to discover which of these theories is really compatible with the positive evidence which we have on the census and on the statistics derived from it. Thereupon a real historical crux involving the census could be studied in the light of each theory so tested, to see whether or not in practice it proved superior to others. Stated simply, the first step consists of the consideration of two questions to which any theory about the census statistics must furnish satisfactory answers if it is to merit defence. One question is very general in character: (I) Does this theory concerning the nature of the census statistics reflect the purposes for which the Romans asserted that they took the census? The second is much more restricted, and has to do with direct evidence on the status of the persons included in the statistics: (II) Does the specific exclusion of widows and wards from two citations of census figures appear to be rational, or to have any meaning at all?

<sup>7</sup> E. Herzog, "Die Bürgerzahlen in römischen Census von Jahr d. St. 415 bis zum Jahr 640," *Commentationes Philologicae in Honorem Theodori Mommseni* (Berlin 1877) 128.

<sup>8</sup> Livy 9.19.2.

<sup>9</sup> Plutarch *De fort. Rom.* 13.

<sup>10</sup> J. Beloch, *Die Bevölkerung der griechisch-römischen Welt* (Leipzig 1886) 318-319.

<sup>11</sup> T. Frank, "Roman Census Statistics from 225 to 28 B.C.," *CP* 19 (1924) 329-341; "Roman Census Statistics from 508 to 225 B.C.," *ATP* 51 (1930) 313-324.

<sup>12</sup> E. Herzog *op. cit.* (supra, n. 7) 124-142.

<sup>13</sup> A. Greenidge, *A History of Rome* (New York 1905) 150.

<sup>14</sup> K. Zumpt, "Ueber den Stand der Bevölkerung und die Volksvermehrung im Altertum," *Abh. der königlichen Akademie der Wissenschaften zu Berlin* (1840) 19.

<sup>15</sup> B. Hildebrand, "Die amtliche Bevölkerungsstatistik im alten Rom," *Jahrbücher für Nationalökonomie und Statistik* 6 (1866) 81-96.

<sup>16</sup> Th. Mommsen, *Römisches Staatsrecht* (Leipzig 1871-1888) II (1874) 371.

An historical problem connected with the census, which is of sufficient difficulty to provide an adequate test for the theory, is found in the phenomenal rise in the census figures between 131 and 125 B.C. This rise is commonly thought to have been in some way connected with the land law of Tiberius Gracchus, but the connection has never been fully and satisfactorily explained. It will be the purpose of this paper to examine more fully the evidence concerning the nature of the Roman census statistics on which our two test questions are based, and then to discover which theory provides the most reasonable answers to those questions. In another paper, to appear in a later issue of this periodical, an attempt will be made to discover whether this same theory, and it alone, can lead us to a satisfactory explanation of the rise in the census in the Gracchan era.

## I

What do we know certainly of the purposes of the Roman census and of the methods of the censors? This is a legitimate question to ask ourselves in preparing our first criterion, for surely the lists compiled by the censors conformed to the duties and responsibilities which the censors enjoyed. The censors had the task of determining, organizing, preserving, and improving the material well-being of the State. These duties are reflected in the activities connected with the censor's office: in the statement made under oath to them (*professio*) by heads of families concerning their civic status, wives, children, and property;<sup>17</sup> in their subsequent organization of the people by tribes, classes, and centuries;<sup>18</sup> in the penalties they meted out to the slatternly or the prodigal;<sup>19</sup> and in their care for public works, letting of contracts, and allied tasks.

It can readily be seen that the *professiones* of the citizens are all-important. The information received from these made possible almost all the other activities of the censors. We are fortunate to be reasonably well-informed as to the nature and contents of the *professio*. It was made by the *paterfamilias* in behalf of his *familia*. He, on oath, stated his name, his father's name, his tribe, his wife's name, his children's names and their ages, and the value of his property.<sup>20</sup> Apparently the profession of the *paterfamilias* could be

made by another if he so desired,<sup>21</sup> and under certain circumstances, such as absence on the service of the State, citizens may have been excused from a profession.<sup>22</sup> For wards and women, who could not themselves appear before the censor, declaration was made by the tutor or guardian.<sup>23</sup> It is of some importance to note that such guardian might himself be a *filius-familias*.<sup>24</sup> In that case, a son might be declared by his own father before the censor, and himself appear before the censor to make a declaration for a ward.

When the declarations were completed, the censors had a list of all Roman citizens, but one in which the principle of arrangement attached all other citizens to those who were *sui iuris*. In other words, they had a certain number of entries, each entry being the equivalent of one *familia*. The importance of this list is clear. The Roman *tributum* was not a head-tax: it was tax on property owned *ex iure Quiritium*,<sup>25</sup> and only persons who were *sui iuris* could own property in that fashion. Widows and orphans were originally excused from such payment,<sup>26</sup> but Camillus is said to have found it necessary to register orphans for tax purposes.<sup>27</sup> Even those persons who were deprived of full citizenship rights but who were liable to taxation or military service or both (the *Cærites* and *æerarii*) were registered by

B.C. to regain citizenship lost to Rome, Livy (39.3.5 and 41.9.9) indicates that fathers registered their sons as long as they were in their power, regardless of age or residence. Similarly, in the case of deserters from the Macedonian army in 169 (43.14.8) he states that soldiers who were *sui iuris* should return to Macedon in thirty days after registering in the census, but those who were *alieni iuris* were merely to state the name of their father or grandfather. Apparently by the time of Julius Caesar, however, adult citizens registered themselves regardless of status (*Tabula Heracleensis* lines 145-147).

<sup>21</sup> Varro (LL 6.86) includes in the *Tabulae Censoriae*: *si quis pro se sive pro altero rationem dari volet*, and Gellius (5.19.16) quotes from a speech of Publius Scipio deprecating the permission to register in *absentia*. But perhaps these are not the same things.

<sup>22</sup> Cicero *Pro Archia* 5.11; *Lex Acilia Repetundarum* lines 14, 17, 23.

<sup>23</sup> See Mommsen, *Le Droit Public Romain* (Paris 1887-1896) IV (1894) 41. In early times (Livy 3.3.9) these were referred to as *orbi orbæque*, which Festus (s.v. *orba*) explains, in the case of *orba*, as *quæ patrem aut filios quasi lumen amisit*. In later law they appear as *pupilli* and *viduae* (Livy Ep. 39).

<sup>24</sup> Pomponius *ap. Justinian Dig.* 1.6.9; *Justinian Inst.* 1.14.1.

<sup>25</sup> Dionysius (4.43.2 and 5.20) states that before and after the Tarquins taxes were levied according to wealth, but that a head-tax was imposed by the Etruscans. Livy (2.9.6) says that in the first year of the Republic the poor were relieved of *tributum* since they were thought to contribute enough to the State by bringing up their children. See also Cicero *De rep.* 2.22.40.

<sup>26</sup> Plutarch *Publicola* 12.

<sup>27</sup> Plutarch *Camillus* 2. It is indicated that the funds derived from the estates of widows and orphans were applied to the care of the *equi publici* (Cicero *De rep.* 2.20.36; Livy 1.43.9).

<sup>17</sup> Dionysius 4.15.6; Cicero *De leg.* 3.3.7; Gellius 4.20.3; 6.11.9; *Tabula Heracleensis* lines 145-148.

<sup>18</sup> Livy 1.42.5, 1.43; Varro LL 6.93; Cicero *De leg.* 3.3.7; Zonaras 7.19.

<sup>19</sup> Gellius 4.12; Pseudo-Asconius *ad Cic. Div. in Caecil.* 8 (p. 103 Orelli).

<sup>20</sup> Dionysius (4.15.6) asserts that the Romans declared their names, the just value of their property, the names of their parents, wives, and children, their own age, and their place of residence (tribe). Cicero (*De leg.* 3.3.7) corroborates this, though phrasing it differently: that the censors registered the ages, offspring, and wealth (*familias pecuniasque*) of the people. In his account of the attempts of the Latins in 187 and 177

the censor, even though they were entered upon a separate list and not assigned to tribes.<sup>28</sup>

This list served admirably, therefore, as a means whereby the censors could fulfill their primary tasks. They could determine quickly from it the revenues from the *tributum*, exacted from adult *paterfamilias* whether full citizens or *aerarii*, and the analogous levy of *aes equestre* or *aes hordiarium*, exacted from widows and orphans. They also had at hand enough information on the wealth, family, and tribal status of each citizen to carry out the organization of the people by tribes, classes, and centuries. To do this properly, of course, citizens *sui iuris* with little or no property must likewise have been included in the basic census list. Although such persons paid no taxes and were not liable for army service, nevertheless they had to be assigned to the proper place in the *Comitia Tributa* and the *Comitia Centuriata*. Surely it is to these subsidiary lists that Cicero refers when he cites among the duties of the censors, subsequent to the registration of the citizens, *populique partis in tribus discribunt, exin pecunias, aeritates, ordines partiunt, equitum peditumque prolem discribunt*.<sup>29</sup>

From this list also there would be no difficulty in constructing a roll of those persons eligible for army service. Fathers and guardians gave the names and ages of their children and wards, and whether or not each person between the ages of seventeen and forty-six had the necessary property qualification could also be determined from the entry of his *familia*. This roll of eligible soldiers was known as the *tabulae iuniorum*.<sup>30</sup> We do not know exactly how or by whom this was composed. Perhaps one was compiled during the censors' term of office. If so, it must have been after the earlier basic list was completed. A passage in Varro seems to refer to the formation of an army by the censors,<sup>31</sup> but the military character which clung to the *Comitia Centuriata* throughout the Republic renders the meaning of the passage uncertain.

We are now in a position to examine the adequacy of the theories described as answers to the first question, "Does the theory reflect the purposes for which the Romans asserted that they took the census?" Our examination can mercifully be brief. We have described

the purposes of the Roman census and the nature of the censorial list which must have resulted. The first three theories which we described do not identify the census statistics with the censorial list. They differ from one another, but share the common characteristic of favoring subsidiary lists derived from the master list. Although the basic censorial list of persons *sui iuris* was used as the foundation of a number of subsidiary lists, there is no cogent reason advanced in any of these theories explaining why annalists should have gone to the subsidiary lists for their census figures and should have failed to say so. At least, I take it that the identification by Beloch and Frank of *censa civium capita* as "all adult male citizens without regard for standing or wealth" means that the annalists added the number of persons listed in either of the *Comitia* to the number listed on the *tabulae Caeritum*. Or, in the view of Herzog and Greenidge, the lists drawn up for the *Comitia Centuriata* must have been consulted and, after those having an estate of less than 5000 asses were subtracted, the number of persons remaining was rendered as *censa civium capita*. Again, if we consider the subsidiary list favored by Mommsen, the *tabulae iuniorum*, one must wonder why historians preferred to cite at the conclusion of a census, not the census figures for a lustrum, but figures which were valuable for only one year. Men were fulfilling their required periods of service annually, and new youths would constantly become eligible. Recourse must in such case be made to the basic censorial list, where the requisite information was available.<sup>32</sup> This task may have been left to the more or less permanent bodies of scribes attached to the various magistracies.<sup>33</sup> The first three theories do not, therefore, fare well in the light of our first criterion. They do not allow us to accept the census figures as those which it was the primary purpose of the censors to determine, and they attribute to the annalists incredible deviousness and perversity in insisting on substituting figures from derivative lists rather than from the main list compiled by the censors. The view of Zumpt and Hildebrand, that the figures represent those persons of Roman citizenship who were *sui*

<sup>28</sup> Citizenship without the *ius suffragii* was given to the people of Caere (Livy 7.20.8). Later, persons who were deprived of full citizenship for some injury to the State were removed from their tribes, designated *aerarii* and subjected to taxation, and listed in *tabulae Caeritum* (Pseudo-Asconius loc. cit. [supra], n. 19); Schol. ad Hor. Ep. 1.6.62; Gellius 16.13.7; Livy 4.24.7).

<sup>29</sup> Cicero *De leg.* 3.3.7. The language of Livy in this respect is also notable (1.42.5): *tum classes centuriasque et hunc ordinem ex censu discripsit*. This too must refer to lists drawn up subsequent to and dependent upon the basic censorial lists.

<sup>30</sup> Livy 24.18.7.

<sup>31</sup> Varro *LL* 6.93.

<sup>32</sup> Dionysius (4.15.5) also states, on the authority of Calpurnius Piso, that Servius Tullius established a procedure whereby relatives deposited a coin for the new-born at the Temple of Ilithia, for those who died at the Temple of Venus Libitina, and for those who attained the military age at the Temple of Juventas. We have no further republican evidence on such vital statistics, though there certainly appear to have been such in the Empire (Pliny *NH* 7.48.158-159; Phlegon *Peri makrobion*, FHG III 608-611; Ulpian *ap. Justinian Dig.* 35.2.68 Fr.).

<sup>33</sup> While the composition of the *tabulae iuniorum* is nowhere attributed to the censors, we find the censors consulting them (Livy 24.18.7). The one instance where the censors appear to be actively concerned with the enlistment of soldiers (in 169 B.C.) Livy treats as an unusual circumstance (43.14.5-6; 43.15.7-8), and Polybius, in his treatment of the Roman military system (6.19-20), certainly ascribes to the consuls the responsibility for the annual enrollment of troops.



*iuris*, coincides exactly with the evidence about the basic censorial list, however, and therefore may be said to be thus far vindicated.

## II

The second test is furnished by the specific exclusion, on two separate occasions, of widows and wards from the census totals. Livy excludes them, when reporting the figure for 465 B.C., with the early legal phrase *praeter orbos orbasque*,<sup>34</sup> and for 131 B.C. in the classical language *praeter pupillos et viduas*.<sup>35</sup> We cannot be certain whether the exclusion of widows and wards from the figures was regular or exceptional. It is more probable, in view of the two specific cases of exclusion cited by Livy, that it was exceptional. It is a notable fact, moreover, that the census figures of the census immediately following each of the cases where Livy specifically excluded widows and orphans shows an unaccountably large increase.<sup>36</sup>

The bearing of the appearance of these phrases upon our problem is clear and unmistakable. Nothing could be more ridiculous than the gratuitous observation by annalists that they were excluding widows and orphans from the numbers which they derived from army rolls or, for that matter, from lists of adult males, however qualified.<sup>37</sup> It is only rational to suppose that when the annalists exclude them they do so because widows and wards enjoy some characteristic in common with the persons who were included, and that one would therefore expect their inclusion as well. Our study of the nature of the basic censorial list has already shown us what this characteristic is. We found there that only heads of family or their representatives made declaration before the censors. *Pupilli* and *viduae*, like the *paterfamilias*, were *sui iuris*, owned property subject to the control of their guardians, and were included on the basic censorial list. The common legal status of all persons mentioned as directly accountable to the censors is striking and significant, and, when certain of these persons are specifically excluded, attention is drawn to the body from which they are excluded, not

to a body such as the army rolls or the assemblies in which they never were included.

What is more, the phrase regularly used by Livy in the citation of census figures, *censa civium capita*, can mean to the person without preconceived notions only "the number of citizens rated." Only persons who were *sui iuris* were eligible for rating, since they alone owned property *ex iure Quiritium*. Moreover, all persons who were *sui iuris* were rated. This is shown not only by the mention of wards and widows, but also by the existence of the designation *capite censi* or *proletarii*.<sup>38</sup> These persons did not have sufficient property to meet the minimum requirements, sometimes had no property at all, yet if they were *sui iuris* they declared themselves and their children, and because they could offer the latter they received their distinctive name,<sup>39</sup> and they could vote in the Comitia. Cicero is explicit in his reference to the enrollment of these men in the census.<sup>40</sup>

It seems clear that it was the material collected for the basic censorial list which was carefully preserved and which would be available for the research of future annalists. Although the declarations in Caesar's day differed somewhat from earlier practice, by his municipal law he ordered the vital statistics derived from the declarations transcribed immediately upon their receipt and preserved in the archives.<sup>41</sup> Access to these records must have been easy for persons of authority or reputation.<sup>42</sup> Indeed, Clodius thought it worthwhile to burn down the Aedes Nympharum in order to destroy the evidence preserved in the public records from the census.<sup>43</sup> There can be no doubt that such authorities as Fabius Pictor, Marcus Cato, or Calpurnius Piso could and did consult these records freely.

Every consideration of utility, language, and law has led us to the conclusion that the first and main effort of the censors was to rate the Roman citizens who were *sui iuris*. Furthermore, while there is little to contradict it, much evidence confirms the opinion that it was normal practice in the Republic for the annalists to cite from this basic list whenever they gave the census figures. While we still need to test this theory against a real historical predicament, we may maintain that the

<sup>34</sup> Livy 3.3.9.

<sup>35</sup> Livy Ep. 59.

<sup>36</sup> A rise from 104,714 in 465 B.C. to 117,319 in 459 (Livy 3.3.9; 3.24.10); and from 318,823 in 131 to 394,736 in 125 (Livy Ep. 59; 60).

<sup>37</sup> The weakness of the attempts to explain away these phrases affords a certain amount of comic relief. Herzog (*op. cit. supra*, n. 71) 126) stated that *praeter orbos orbasque* was the same thing as *eorum qui arma ferre possent*, thus attributing to Livy obscurities or circumlocutions which not even undergraduates find in him. Mommsen (*Le Droit Public Romain* [Paris 1887-1896] IV [1894] 93, n. 2) explained the language accompanying the figures as resulting from a conflation or abbreviation of an earlier *capite censi Romanorum tot; eorum qui arma ferre possent tot; orbi orbasque tot*. He himself appeared to consider the explanation alarmingly whimsical and sought an analogy for it in *praetor peregrinus*.

<sup>38</sup> Festus s.v. *proletarium*.

<sup>39</sup> Nonius (ed. Lindsay) 93.

<sup>40</sup> *De rep.* 2.22.40.

<sup>41</sup> *Tabula Heraclensis* lines 153-156. Here there seems to be no provision for the declaration of subordinates. See *supra*, note 20.

<sup>42</sup> *Lex Acilia Repetundarum* line 27.

<sup>43</sup> Cicero *Pro Milone* 27.73. Dionysius states (1.74.5) that censorial records were originally preserved in the family archives of those who held the office of censor. In the second century B.C. the archives were in the Atrium of Liberty (Livy 43.16.13; 45.15.5).

following points alone have made it the strongest contender:

(1) For practical reasons the basic censorial lists would be longest preserved and most easily consulted.

(2) Annalists regularly cited census statistics at the time when the basic list had been completed; but army lists must have been revised from year to year, and the other lists suggested involve unlikely, inexplicable, even ridiculous computations by the annalists.

(3) The explicit exclusion of wards and widows from certain lustra intimates strongly that they were customarily included. This could only be because of their status as being *sui iuris*, and it indicates that this was the criterion determining the census figures.

(4) The phrase used by Livy in giving the census, *censa civium capita*, means "the number of citizens rated" and can have only that meaning unless one treats the Latin with unnecessary liberty.<sup>44</sup>

FRANK C. BOURNE

PRINCETON UNIVERSITY

#### A ROMAN "ANTI-SUBVERSIVE ACTIVITIES" LAW

In the bitter diatribe which he delivered against Piso, Cicero denounces him for his failure to support the Senate's action in suspending the *ludi compitalicii*:

Aude nunc, o furia, de tuo [consulatu] dicere! cuius fuit initium ludi compitalicii tum primum facti post L. Iulium et C. Marcium consules contra auctoritatem huius ordinis; quos Q. Metellus—facio iniuriam fortissimo viro mortuo, qui illum cuius paucos paries haec civitas tulit cum hac importuna belua conferam—sed ille designatus consul, cum quidam tribunus plebis suo auxilio magistratos ludos contra senatus consultum facere iussisset, privatus fieri vetuit atque id quod nondum potestate poterat obtinuit auctoritate.<sup>1</sup>

What reason was there that the Senate should go so far as to issue a decree against the holding of these particular games? The Romans, we know, were fond of games of all sorts, and their number increased so

greatly that under the Empire Juvenal made his bitter comment that the only things the populace wanted were *panem et circenses*. The Senate must have had good cause to institute a ban on an established set of *ludi*, and so indeed it did. Asconius recounts it, in commenting on the passage quoted above.

L. Iulio C. Marcio consulibus quos et ipse Cicero supra memoravit senatus consulto collegia sublata sunt quae adversus rem publicam videbantur esse constituta. Solebant autem magistri collegiorum ludos facere, sicut magistri vicorum faciebant, Compitalicios praetextati, qui ludi sublati collegiis discussi sunt. Post VI deinde annos quam sublata erant P. Clodius tr. pl. lege lata restituit collegia. Invidiam ergo et crimen restitutorum confert in Pisonem, quod, cum consul esset, passus sit ante quam lex ferretur facere Kal. Ianuar. praetextatum ludos Sex. Clodium... Quos ludos tunc quoque fieri prohibere temptavit L. Ninnius tr. pl. Ante biennium autem quam restituerentur collegia, Q. Metellus Celer consul designatus magistratos vicorum ludos Compitalicios facere prohibuerat, ut Cicero tradit, quamvis auctore tribuno plebis fierent ludi; cuius tribuni nomen adhuc non inveni.<sup>2</sup>

Asconius, then, says that by decree of the senate all guilds (*collegia*) which seemed to have been established against the welfare of the state were abolished. With the abolition of the *collegia compitalicia*,<sup>3</sup> the *ludi compitalicii* disappeared by default.

These guilds were composed of freedmen and slaves, the lowest classes of the population.<sup>4</sup> The Roman people had had sad experiences with the outburst of similar groups in the past. Less than a decade before, Spartacus had led the famous revolt of the gladiators at Capua. The gladiators were joined by the slaves of that region, and successfully resisted the Roman armies for the better part of three years. Moreover, more than one hundred years earlier, the Roman government had faced a similar crisis, and had met it with firm measures. Around 190 B.C., a rebellion of Carthaginian slaves and hostages arose in Latium and Etruria. In 186 the scandal of the Bacchanalia, involving many crimes and vices,<sup>5</sup> burst into the open. The meetings of the various groups were held at night and in secret, a practice contrary to Roman law. The Senate, fearing that the groups would attempt to overthrow the government when their numbers became sufficient, passed the *Senatus Consultum de Bacchanalibus*, which prohibited these societies, and imposed the death penalty on those who had taken part in the rites.

A like fear gripped the senate in 64; an uprising was a real possibility. Affairs were unsettled; Catiline's con-

<sup>44</sup> Although we can now see that the army figures given by Polybius for 225 B.C. and the census figures of Livy for 233 B.C. probably do not indicate the same thing, a comparison of them is of some interest. The army figures, as worked out by Mommsen (see *supra*, n. 5), are approximately 20,000 higher than the census statistics. This is entirely in keeping with what we know of third century Rome. One would not expect to find a large number of family units completely lacking the financial requirements for army service so long before the urbanization and impoverishment which followed the Second Punic War. On the other hand, we can not expect the number of eligible males greatly to exceed the number of family units in view of the Roman laws of inheritance and the responsibility for keeping the *familiae* intact.

<sup>1</sup> In *Pisonem* 8.

<sup>2</sup> P. 7.9-26, ed. Clark (Oxford 1907).

<sup>3</sup> For a general discussion of the *collegia compitalicia* see G. Wissowa, *Religion und Kultus der Römer* (Munich 1912) 171-173. See also S. Accame, "La legislazione romana intorno ai collegi nel I. secolo A.C.," *Boll. del Museo dell' Impero Romano*, 13 (1942) 13-48.

<sup>4</sup> Cicero *In Pisonem* 9; *De domo* 54; *De haruspicio responsis* 22; Dion. Hal. 4.14.3.

<sup>5</sup> Vividly described by Livy 39.8-18.

spiry broke out the next year, Clodius' profanation of the rites of the *Bona Dea* followed in 62, and during the fifties personal feuds, such as that between Clodius and Milo, each with his band of thugs, led to a virtual state of anarchy. Furthermore, organizations even of men of the lowest classes, such as the *collegia compitalicia*, must have been a powerful source of support for candidates for office who knew how to win their backing,<sup>6</sup> and it is probably because of this very fact that violence was a not uncommon occurrence during the hotly-waged election campaigns in Rome.

These were indeed troubled times, and in 64 the Senate, with what appears to be wisdom and foresight, forestalled another organized revolt of slaves by abolishing the *collegia compitalicia*. Their members were guilty of no crime, there was no legal charge against them; their sole failing was that they were slaves or otherwise men of low rank, and hence likely, in the eyes of the Senate, to flare forth in rebellion. The abolition of the guilds was a purely preventive measure, and in this respect can be compared with an act, sponsored by Senator McCarran, which was recently passed by the United States Congress. This law endeavors to control groups deemed subversive of the nation's welfare, and is intended to put a halt to the power and influence of the Communists in this country before the opportunity arises for them to do actual harm. The circumstances and the "remedial" steps taken seem quite new, yet, as so often happens, we find precedent among the Greeks or Romans for what might appear to be a problem of our generation alone.

HERBERT W. BENARIO

THE JOHNS HOPKINS UNIVERSITY

### THE DIET OF FOXES

In a short article entitled "Foxes and Fruit," *CIV* 43 (1949/50) 57-58, by Professor Edward C. Echols, appears the following introductory sentence: "The literary fare of foxes is often quite different from that carnivore's normal diet; in the hedges and lanes of belles-lettres, the fox feeds almost exclusively on fruit." References to ancient authors cited are: Plautus *Mostellaria* 559, Aesop *Fabulae* 33, Song of Solomon 2:15, and Aristophanes *Knights* 1073-1077; the first citation refers to pears, the other three to grapes.

Are we then to assume that grapes and other fruit are, or were, not part of the normal diet of foxes? Information on the subject is not hard to find. The U. S. De-

partment of Agriculture, in *Farmers' Bulletin* 795 (Washington, D. C. 1917) 17, states that "the natural food habits of foxes are similar to those of dogs. Birds, mice, rabbits, and other animals are eaten, as well as grasshoppers, crickets, and other insects, eggs, and many kinds of berries [*italics mine*]. In short, the animals are practically omnivorous."

The Ontario Department of Game and Fisheries, in its pamphlet *Feeding and Diseases of the Fox* (=Bulletin No. 2; Toronto 1930), lists (p. 12) the following items as good food for foxes: carrots, beets and the tops in season, tomatoes (raw and canned), lettuce, spinach, chard, fresh cut young clover, onions, sweet turnips, berries or fruit in season.

The Canadian Department of Agriculture, in a report entitled *Experimental Fox Ranch, Summerside, P. E. I.: Progress Report of the Superintendent . . . for the Years 1931, 1932, 1933 and 1934* (Ottawa 1935), states (p. 15) that green vegetables should be fed when vegetation is green, ripe vegetables in early fall, and cereal foods in late fall. The comment is found there also that wild foxes probably obtain the necessary green food during March, April, and May (the lactation period) by eating green buds and shoots. In this connection I wish to point out a different translation of Song of Solomon 2:15 from that quoted by Professor Echols. It is by Theophile J. Meek, in the translation of the Bible published by the University of Chicago Press (A. R. Gordon and Others, *The Old Testament: An American Translation* [Chicago 1939]). Where the translation quoted by Echols has "the little foxes, that spoil the vines: for our vines have tender grapes," Meek's translation is "the little foxes, that are despoiling the vineyards, since our vineyards are in bloom." There is not much difference, although the latter indicates more clearly that the green buds and the tender spray of blossoms were being eaten by the foxes rather than the very young grapes, however small and green. The time was, of course, springtime (see Song of Solomon 2:11-13).

To Professor Echols' literary list, I wish to add a red-figured kylix in the Fitzwilliam Museum, Cambridge (*JHS* 23 [1903] 286, fig. 14), which shows a fox holding a large bunch of grapes in his mouth. At any rate, it cannot be reasonably doubted that in antiquity, or in the present time, foxes ate grapes, fruit, or vegetation, and a fox in the vineyard, both before the grapes set on, and after they became ripe, must have been a familiar sight to the caretaker in ancient times.

I have found in reading the literature of ancient times that the authors were generally well informed as to the nature and habits of animals which came within their observation, perhaps because of their closer association with them.

LESLIE D. JOHNSTON

UNIVERSITY OF ILLINOIS

<sup>6</sup> Q. Cicero *Commentariolum petitionis* 30. To be sure, Quintus speaks of *collegia omnia*, not particularly of the *compitalicia*.



## REVIEWS

**Excavations at Gözlü Kule, Tarsus.** Edited by HETTY GOLDMAN. Vol. I, "The Hellenistic and Roman Periods." Contributors: DOROTHY HANNAH COX, HETTY GOLDMAN, VIRGINIA GRACE, FRANCES FOLLIN JONES, and ANTONY E. RAUBITSCHKE. Princeton, N. J.: Princeton University Press, 1950. Text: pp. vii, 420. Plates (bound separately): 276 figures, 9 plans. \$36.00.

The title of each of the separately bound parts of this volume contains an understatement. Hetty Goldman is not only the Editor and one of the contributors. In the years 1934-1939 and 1947-1949, she both organized the excavations at the important site of Cilicia in southeastern Asia Minor and acted as field director. She has reported on her finds in *AJA* since 1935. She chose her collaborators and set each the task for which he or she was best equipped. She imbued them with her sound and sincere scholarship; her wise guidance helped them to develop their own scientific personalities. She wrote the Introduction, and also Chapter I, "Buildings and Habitation Levels," Chapter II, "Chronology of the Levels," and the most important Chapter VII, "The Terracotta Figurines." She collaborated with Frances Jones on Chapter IV, "The Lamps." The shorter chapters (III, "The Coins," by Dorothy Hannah Cox; V, "The Stamped Amphora Handles," by Virginia Grace; VI, "The Pottery," by Frances Follin Jones; and VIII, "The Inscriptions," by Antony E. Raubitschke) must have been supervised by Hetty Goldman for their general arrangement. Otherwise, the uniform character of all contributions, so rare in large publications of excavations, could not have been achieved. This does not detract from the fact that each contributor has done his own best work in his field.

The understatement in the book of plates consists in the word "figure" which is used for all illustrations, whether these are really only one, as in figures 1-86 (illustrating buildings and habitation levels) and 225 and 251 (terracottas), or whether there are up to twenty-four photographic, or up to fifty non-photographic illustrations, as on each of the other plates. The numbers by which the single illustrations are identified correspond to the numbers used in the catalogues in each chapter, a very practical arrangement which allows for a quick comparison between text and figures.

The structural remains of the excavated mound are of little importance in themselves, but the objects discovered in them and the chronological evidence gained from the excavations have led to important results for the Hellenistic and Roman periods in the Near East. While the lowest levels only very rarely contain imports (most finds being of local or Cypriot fabrication), a typical Hellenistic civilization developed after the conquest of Tarsus by the Macedonians in 333 B.C., followed by a Hellenistic-Roman, and then by a Roman imperial culture. Coins

and amphora handles date the levels, called "units" in the text. While the latest Roman finds belong to the fourth century, nothing has been found belonging to the fifth to seventh centuries, up to the time when Islamic art developed.

Each of Chapters III through VIII has both a general discussion and a carefully arranged catalogue. The chapters are taken up in order in the numbered paragraphs which follow.

III. Alexander the Great and the Syrian kings struck coins in Tarsus. In the period ca. 190-160 B.C., after the conquest of Asia by the Romans, Tarsus struck autonomous coins with the head of Tyche on the obverse and the symbol of Sandon, bow in gorytus, on the reverse. A second series, ca. 160-135 B.C., has either a seated Zeus, or Sandon on his animal. A third series, dated ca. 130-95 B.C., has the pyre of Sandon, investigated and explained by Hetty Goldman in *JAOS* 60 (1940) 544-553 and in *Hesperia* suppl. 8 (1949) 164-174. The different types continued after Pompey had annexed Cilicia to Rome in 64 B.C.

IV. The lamps, like the coins, begin in the late fourth century B.C. and end in the late fourth century A.D. The most interesting group is that numbered XII, of the first century A.D., with a wealth of different subject-matter in the moulded decoration of the disk (see fig. 99). Many parallels from Antioch-on-the-Orontes, Corinth, and Vindonissa (cf. Siegfried Loeschke, *Lampen von Vindonissa* [Zürich 1919]), that is, from Asia, the Greek mainland, and the Roman provinces, are given. This fact shows the broad outlook of the two collaborators, and contrasts sharply with what one finds in many other publications of excavations, which present the excavated material without parallels and without any indication of connections with other sites.

V. The stamped amphora handles are treated by Virginia Grace, a specialist who has published other stamps and stamped amphoras in *Hesperia* 3 (1934) 197-310 and in *Hesperia* suppl. 8 (1949) 175-176. Eighty-four of the 121 amphora handles are Rhodian, most of them belonging to the third and second centuries B.C., the latest to the first century A.D. Frances Jones helped Miss Grace in the preparation of the manuscript, another sign of the harmonious atmosphere in which this large work was created.

VI. The treatment of the pottery shows the breadth of outlook of the main collaborator, Miss Jones, who seems also to have been an assistant editor. The pottery has a Greek-Eastern-Mediterranean character. It is here arranged chronologically; in the descriptive catalogue many products of the eastern cities, particularly the neighboring city of Antioch, but also other cities in Asia Minor, Syria, Cyprus, and Palestine, as well as Athens on the Greek mainland, are mentioned. The pottery shows particularly clearly how, with the Macedonian conquest, Hellenistic influence spread over the eastern world.

In the Roman period Tarsus seems to have been one of the manufacturing centers of the red glazed pottery which is called "Hellenistic Pergamene" and later "Roman Pergamene," but which was not restricted to Pergamon. Green and yellow lead glazed ware became the substitute for silver ware, just as was the case with Arretine ware in Italy. A mould found in Tarsus shows that at or after the Syrian period this ware, consisting mostly of skyphoi with naturalistic moulded plant decoration, was made in Tarsus. It later moved west to Italy, north, and even east to China. In the middle of the first century, glass displaced the lead glazed ware in Tarsus.

VII. The long chapter on the terracotta figurines is the artistic and scientific highlight of the volume. That there was a local industry is proved by the discovery of moulds (fig. 254). No artist's signature, however, is preserved. The technical processes, the clay, colors, chronology, and style are discussed in the introduction. The catalogue is arranged according to subject matter: deities and mythological characters in alphabetical order; ritual figures and votive objects; theatrical figures; realistic and grotesque figures; mother and child plaques; miscellaneous female figures; miscellaneous male figures; children; architectural monuments; animals; fragments of human figures; and plaster moulds. Each object is carefully described and parallels are given not only of other terracottas but of sculptures as well. We have here, therefore, several important contributions to Hellenistic and Roman sculpture. The local terracottas of Tarsus are differentiated from those of Tanagra and Myrina. Anatolia and Egypt are the nearest in style and subject matter. For the first time, Roman terracottas are divided among the Augustan, Claudian, Flavian, Antonine periods, the early third century, and the late third to the fourth century. One of the most interesting parts is the discussion of the Herakles types, nos. 148-155. The main type seems to have been created by a post-Lysippean Syrian artist, and the terracottas in Tarsus are therefore probably closer to the original than, for example, the marble statue in the Museo Ludovisi (fig. 256, A). There is a wealth of information in this catalogue.

VIII. The inscriptions are all late and much broken. All but three are even later than 350 A.D. A. E. Raubitschek, the author of *Dedications from the Athenian Akropolis* (Cambridge, Mass. 1949), has, of course, handled them in masterly fashion.

IX. The miscellaneous finds have no author's name. They are apparently compiled from the official Tarsus inventory and represent the joint work of the staff. They are organized according to material: stone, gold, silver, iron, bronze, clay (loomweights), ivory, bone, and glass. The reviewer is most interested in fig. 270, no. 4, a theatre ticket for a bilingual public. On the obverse the ticket has a mask indicating a dramatic performance, on the reverse a Latin IIII and a Greek delta, directing the spectator to the fourth section of the Tarsus theatre.

All catalogued objects are analyzed (in a table, pp. 404-410) into stratigraphic groups, so that the objects can be associated with a particular level. A list of abbreviations (410-412) and an index of names and objects (413-420) conclude the book. To some extent at least the work must have been drudgery for all concerned, but the result is a rare one. A complete picture has been drawn of a civilization from the finds of a limited excavation, where chance plays its role even in the most methodical work. This is the greatest tribute to the wise and scholarly direction of Hetty Goldman, and to her collaborators' ability to follow her methods in handling and presenting source material.

I have not found any typographical errors in the text, which, like the plates, is excellently executed. There are, however, several mistakes in the German quotations: page 299, note 25, line 10, and page 304, note 45, last line: *nicht* (not *nich*); page 304, note 43, line 2: *Licht-* (not *Light-*); page 304, note 45, line 2: *Fortsetzung* (not *Fortsetzung*), line 3: *dass* (not *das*); page 309, note 12: *Arndt-Amelung* (not *Amelung, Arndt*); page 322, note 63, line 2: *Venus Pompejana* (not *von Pomp.*); page 345, note 181, line 2: *Hallisches* (not *Hallische*); page 364, note 243: *ein ... bedeckter jugendlicher* (not *einer ... bedeckten jugendlichen*).

MARGARETE BIEDER

PRINCETON UNIVERSITY

**Naevius Poeta.** The text of the fragments, edited with an Introduction and Commentary by ENZO V. MARMORALE. ("Biblioteca di Studi Superiori," Vol. VIII.) 2d ed.; Florence: "La Nuova Italia," 1950. Pp. iv, 268.

The enigma of Naevius poeta is one that will never be completely solved in view of the existing evidence that bears upon the man and his work. There is little doubt that antiquity held him in high esteem for his excellence in writing *fabulae palliatae*, though his versatile genius won him renown in the fields of tragedy, *praetextae*, and epic also. It is perhaps as Rome's first great epic poet (always excepting Livius Andronicus, for obvious reasons) that he is most interesting to the modern scholar; and almost inevitably that interest, except for one who is primarily concerned with antiquarian or linguistic matters, is centered on Naevius' role not merely of pioneer in the field but especially of predecessor of and source for Vergil.

Marmorale in his Introduction (15-181) has treated with exhaustive use of sources and commentary the salient points of interest in the life and literary career of the poet. There follows (185-259) a text of the extant fragments with copious annotation that has its greatest value in the presentation of the views of other scholars,

for Marmorale's thorough investigation of the views of others is one of the things that make the book valuable. Indeed, his Bibliography (7-14) is useful, not merely to the student of Naevius, but to any student in the field of early Latin. Many of his own interpretations, in particular with regard to the famous anti-Metelli and anti-Scipio verses, are certainly subject to challenge.

In the order of the fragments of the *Bellum Punicum*, Marmorale has rejected the arrangement that has come to be accepted as traditional, which would assign fragments that have to do with the Trojan cycle to Books 1 and 2, in spite of manuscript evidence to the contrary, and has accepted the thesis, so brilliantly defended by Strzelecki,<sup>1</sup> that Naevius, familiar with the *in medias res* technique from Andronicus' translation of the *Odyssey*, interrupted his narrative of the First Punic War at 262 B.C. to digress for the remainder of Book 1 (in Lampadio's division) through Book 3 (at least) to tell the story of Aeneas and of the first beginnings of Rome. The danger inherent in this arrangement is the assumption that acceptance of Strzelecki's thesis that Naevius did not use the annalistic treatment constitutes acceptance of the view that Naevius took Aeneas to Carthage or that he treated the Dido-Aeneas romance. Moreover, I question strongly the appropriateness of the application of *silvicolae homines bellicae inertes* (p. 240, fr. 15) to inhabitants of the African shore, even though Macrobius 6.5.9 assigned the fragment to Book 1.

Though there is inevitably much to challenge in this work, yet it is an important contribution, particularly in view of the material so conveniently assembled in one volume. To engage in comment or conjecture on Naevius is to enter a highly controversial field.

THELMA B. DEGRAFF

HUNTER COLLEGE

**C. Iuli Caesaris Commentarii.** Vol. II: *Commentarii Belli Civis*. Edited by ALFREDUS KLOTZ. 2d ed.; Leipzig: Teubner, 1950. Pp. xxii, 169. \$2.35.

A. Klotz's first edition of the *Bellum civile* was based on the collations of Holder, Kuebler, and Meusel; to these he has added readings from the Neapolitanus IV c. 11 (N) quoted in the Budé edition of Fabre. N is a third member of the *sigma* family, of importance for the reconstruction of *sigma*, but not the immediate cause of important changes in the text.

The second edition is a reworking of familiar material. The *apparatus criticus* has been systematically revised, not merely by the addition of N, but the text, wherever

I have tested, remains unchanged. The central problem of the editor, with a poor text derived from a common and faulty archetype, is to determine date and method of publication, and consequently to decide whether the poor text is due to Caesar or to transmission.

Klotz had argued that the commentaries on the Civil War were not completed by Caesar nor published by Caesar. On this theory he enclosed between stars passages sketchily written, out of logical or chronological order, or in other ways out of harmony with the careful, trained mind of Caesar; these passages were the evidence for the theory. In 1938 Karl Barwick (*Caesars Commentarii und das Corpus Caesarianum* [Leipzig 1938; = *Philologus*, Supplementb. 31, Heft 2]) challenged this, arguing on the basis of the three familiar passages (Suet. *Jul.* 56.1-4, Hirtius *BG* 8.2-3, Cic. *Brut.* 262) and on the basis of probability that Caesar published Books 1-2, actually one book as Klotz and others had agreed, in 48, and Book 3 in 47. Difficulties in the text, on this theory, are due to transmission; interpretation and emendation must endeavor to repair the damage.

In the brief sixteen pages of the Preface, Klotz reaffirms, with a trace of asperity, his previous position. From various sources he adds the evidence that differentiates the style of the *Civil War* text from the polished Latin of the first seven books of the *Gallia* War—irregular use of the *praenomen*, exceptional case and tense usage and traces of Vulgar Latin, which, while few in total number, do increase in frequency toward the end of Book 2. Accepting this as proof of haste in writing and of lack of final polish, Klotz finds no evidence nor reason to change his text: 2.23.3-4, for example, stands unchanged. In the starred passage 1.56-58 the concluding star now includes 1.59.1. At 1.7.6 in the second edition the star follows *docet* rather than *quidem*.

The book is clearly printed on wretched paper. In the stemma, the codex-source of U and R is a *rho*, not a broken *q*. The abbreviation C. St. in the Preface seems at first glance to be omitted from the *Notae*; it is included under AKI.

JOHN B. TITCHENER

THE OHIO STATE UNIVERSITY

**Libertas as a Political Idea at Rome during the Late Republic and Early Principate.** By CH. WIRSZUBSKI. ("Cambridge Classical Studies.") New York: Cambridge University Press, 1950. Pp. xi, 182. \$3.00.

Wirszubski ranges from Cicero's *legum ... idcirco omnes servi sumus ut liberi esse possimus* to Tacitus' *res olim dissociabiles ... principatum ac libertatem*, and even to the *Digest*. It is remarkable, however, that the author has in so few pages been able to do reasonable justice to such a broad subject, one which required him to interpret many of the most complex and controversial

<sup>1</sup> Ladislaus Strzelecki, "De Naeviano Belli Punici Carmine Quaestiones Selectae," (*Polska Akademia Umiejętności*) *Rozprawy Wydziału Filologicznego* 65 (Kraków 1935) 1-40.

episodes and events in Roman history from the Gracchi to Trajan. He actually has far too much material for such a brief book, although his views and his compilations of ancient evidence and modern scholarship will prove generally useful.

The book is essentially the dissertation which Wirszubski wrote under the direction of F. E. Adcock and submitted for the degree of Doctor of Philosophy in 1946. While the date of imprint is 1950, the Preface indicates that the book was really finished in April, 1947, with the result that we cannot look for bibliographical completeness except through 1946, with considerable gaps not yet then made good after the war years. It is therefore perhaps too much to expect him to have known, for instance, the articles on the Roman nobility by Afzelius in *Classica et Mediaevalia*, and custom forbids my mentioning some of my own papers which he might have used; but Wirszubski could, although his aim was of broader scope, have perused with profit the Chicago dissertation published in 1936 by E. W. Webster, *Virtus and Libertas: The Ideals and Spirit of the Roman Senatorial Aristocracy from the Punic Wars through the Time of Augustus*.

This book resembles a good American dissertation, and it is rather unusual for a British work in that it is overburdened with footnotes. It is a valuable book, as would be expected from one of Adcock's students. Wirszubski is interested less in *libertas* as a political catchword than in the development of its significance in several periods of the Roman constitution and Roman public life. The result is that sometimes he is inclined to be excessively theoretical and finite about the Roman constitution, as when he tries (pp. 96, 98-99) to make the foundation of the Augustan Principate a matter of theory more than of intensely practical and possibly opportunistic politics. The author is normally more successful in his attempt to subject Roman political activity to analytical generalization.

WALTER ALLEN, JR.

THE UNIVERSITY OF NORTH CAROLINA

**Recherches sur le texte de la "Germanie."** By JACQUES PERRET. ("Collection d'études Latines," Série Scientifique, No. 25.) Paris: "Les Belles Lettres," 1950. Pp. viii, 166; 2 plates.

In the preparation of his own 1949 text of the *Germania*, Perret made not only a careful study of Robinson's comprehensive survey of the manuscripts, but also a complete new investigation of the manuscripts themselves, of the early editions, and of all the existing evidence regarding the written and printed text. His work is done with meticulous accuracy, and shows a thorough mastery of the problems and the material. The

conclusions at which he arrives which are at variance with Robinson's are first, that the archetype of all our manuscripts was not the Hersfeld original but a fifteenth century copy of it, and second, that Vind. 711 has not the extraordinary, independent value ascribed to it by Robinson. In determining the intermediate ancestors of our manuscripts he arrives not, as Robinson did, at two copies of Hersfeldensis but at five copies of a fifteenth century copy.

Perret produces one wholly new piece of evidence: the marginal notes from a copy of the Editio Romana of the *Germania* preserved in the Musée Condé at Chantilly, evidently taken from a lost manuscript of Robinson's Class. a. Perret believes that the edition of the essay printed at Bologna about 1472 antedated the de Spira edition, and was edited by Puteolanus. It is an interesting possibility, scarcely proven however, and not of major importance. Perret does not believe that Aeneas Silvius saw the *Germania* manuscript which Enoch procured in Germany, but that a copy was made for him, and that this manuscript was the archetype of all our existing manuscripts. I find this an unnecessary refinement, and inconsistent with our knowledge both with regard to the information given Aeneas Silvius directing him to Enoch's manuscript in the keeping of Nardini, and also with regard to the Pontanus copy of the same.

Perret's reconstruction of the Hersfeld manuscript, like Robinson's, is based on the ancient leaves of the *Aesinas Agricola*. This is inevitable so long as one believes that Aesinas is the surviving remnant of Hersfeldensis, for which belief there is no proof, and for which the evidence, such as it is, has been reduced in value by Bloch's discovery that there was an *Agricola* at Monte Cassino in the twelfth century.

C. W. MENDELL

NEW HAVEN, CONN.

**P. Cornelii Taciti Historiarum Libri.** Edited by ERICUS KOESTERMANN. ("P. Cornelii Taciti Libri Qui Supersunt," Tom. II, Fasc. 1.) 7th ed.; Leipzig: Teubner, 1950. Pp. 260. \$3.07.

The new Teubner Tacitus is appearing in reverse order. The present fascicle refers the reader to Volume I for the Preface. The Minor Works (II, 2) were reviewed in *ClJ* 44 (1950/51) 7-8 by Mendell, all of whose more general criticisms and comments are equally pertinent to this work.

In so brief a review it is perhaps most useful to record the Editor's own emendations which he has admitted into the text.

1.37.5 <inter>verterunt, with this note in the apparatus: "coll. II 95.3 (vel simpl. verterunt, eadem vi)." That seems to this reviewer the acme of futility.

1.64.1 *Gallis cunctatio exempta: e<ra>t in Othonem ac Vitellium odium par.*

2.4.4 *favor; labor M, ardor Rhen., dolor Meiser, rubor Andr., al. al.*

2.20.1 *barbarum tegumen*, where Ritter bracketed *barbarum tegmen*.

2.36.1 *Macri exitium*, where most editors retain *Macer* and insert <ad>.

3.2.4 *iam reseratam militi <Itali>am; reserata militi-am M, reseratam Italianam Pichena.*

3.17.2 *illuc<o> consternantur; illic M, illi Rhen.*

3.27.3 *multam in stragem, for multa cum strage.* Mendell remarked upon "attempts to improve on the author."

3.53.3 *qui Moesiam interim composuerint: illis [Moesiae] <provinciae> pacem.*

3.72.1 *quo tanta cladis pretio stetit? <scilicet> pro patria bellavimus.*

4.12.3 *<quo> arma equosque ... perumperet, for Brakman's arma equosque <qui> ... perumperet.*

4.19.3 *<sed> Flaccus omisit.*

This reviewer finds hardly one of these attractive, and doubts that any will win much acceptance. But in 1.27.5 Koestermann does print *pars clamore et gladiis*, which surely deserves a white mark.

A twenty-four-page Index Historicus, consisting largely of course, but not wholly, of proper names, is a very useful adjunct.

ROBERT SAMUEL ROGERS

DUKE UNIVERSITY

**Homerische Wörter.** By MANU LEUMANN. ("Schweizerische Beiträge zur Altertumswissenschaft," Heft 3.) Basel: Friedrich Reinhardt, 1950. Pp. xii, 360. S. Fr. 22.50.

Leumann has produced an original, highly interesting, and often quite convincing book. Nearly the whole of it is devoted to discussions of about seventy Homeric words which exhibit some linguistic peculiarity. Leumann's main concern is to show how these strange words ever came into existence. He argues—and very plausibly, too—that some of these odd words in Homer arose from a misunderstanding of some passage of pre-Homeric poetry. Others, however, he maintains arose from a misunderstanding of a passage in Homer himself; and most Homerists who are not specialists in linguistics will, I suspect, find his discussions of this group of words at once the most interesting and the least convincing portions of his book. It is here that Leumann often becomes involved in the problems of the Higher Criticism. Like his fellow linguists generally, he confidently asserts plurality of authorship, and he even takes a few modest steps in the direction of indicating the relative ages of some parts of the *Iliad*. This side of his work seems to

me highly questionable and illustrative of the discouraging way in which types of argument which have been quite discredited in one sphere of Homeric scholarship tend to keep cropping up in new surroundings. All that Leumann really proves—and I have no desire to belittle his learned and splendidly-presented demonstrations—is that every now and then some person misunderstood in some way some word, and that as a result of this misunderstanding a new word came into existence. What he has not proved (and I fancy it cannot ever be proved) is that in each of these instances the person who so misunderstood the word was the author of a passage in our Homeric poems. Until this crucial point is proved, Leumann's demonstrations, in so far as they affect the Higher Criticism, are in the same category as the Analysts' favorite old device of "original" and "imitation" which they used with such futile frequency in connection with repeated lines or phrases. Fortunately, Leumann's material has a linguistic interest and importance which should earn it a better fate.

FREDERICK M. COMBELLACK

UNIVERSITY OF OREGON

**Studien zur Kunstgeschichte des 5. Jahrhunderts v. Chr., II: "Erga Perikleus."** By CARL WEICKERT. ("Abhandl. d. deutsch. Akad. d. Wiss. zu Berlin," Klasse für Sprachen, Literatur und Kunst, Jahrgang 1950, No. 1.) Berlin: Akademie-Verlag, 1950. Pp. 22; 2 plates. DM 5.25.

Weickert seeks to enhance further the pre-eminent position of Phidias in the program of Periclean works. In him he sees not only the master mind of the Parthenon sculptures, but of the building as well. One of the master's great contributions is said to be a new approach to the problems of interior space. In close relationship with Phidias, the architects Ictinus, Mnesicles, and others were inspired by his genius. Weickert attempts to show this by a comparison of the Parthenon with the temple of Zeus at Olympia, and by considering Ictinus' plan for the Telesterion. The great project for the Propylaea is discussed, as is also the interior of the temple of Apollo at Bassae. The theory of the single Corinthian column on the axis of the cella is retained, and Weickert claims that it served to unify the cella and the adyton behind. That the paper was published before the appearance of W. B. Dinsmoor's third edition of *The Architecture of Ancient Greece* (London, Batsford 1950) explains the failure to consider the most recent restoration of two attached Corinthian columns flanking the free-standing central one.

The resemblance, questionable to the reviewer, of the Bassae capital to the tiny Corinthianesque capital of the shaft which supports the hand of the Varvakeion copy of



the Parthenon is taken to show that the pillar was part of Phidias' design, and that it illustrates his genius in using an architectural form of non-traditional character to relate more completely the image and the building. The profiles of both capitals are reproduced from *JDAI* 47 (1932), fig. 15. Weickert implies further that Ictinus was influenced in his use of the Corinthian order at Bassae by the Parthenon prototype, and claims that to Phidias belongs the credit of initiating the long later development of the order in relation to space problems.

RICHARD STIHLWELL

PRINCETON UNIVERSITY

**La lingua di Cicerone poeta.** By ANTONIO TRAGLIA. ("Sermo Latinus.") Bari: Adriatica Editrice, 1950. Pp. 306.

At the beginning of his book Traglia remarks that the title does not imply "una valutazione estetica" of Cicero's poetry, and at the end states that Cicero was no poet. Traglia's purpose then is not to defend Cicero's poetry, which few have ever cared to do, but to indicate Cicero's place in the development of Latin poetry and his influence on poets whom we would rather read.

Traglia divides his book into five chapters. Chapter 1 gives a full account of Cicero's poetical works. What Traglia has written about Cicero "alessandrineggiante" should be read by those who deduce Cicero's esthetics from *Disp. Tusc.* 3.45. Incidentally, the statement on page 44 about the authenticity of the Sallustian *Inuectiva* is untrue. Chapter 2 consists of notes on Cicero's poetic vocabulary and on his obligations to earlier poets. Traglia makes no systematic effort to compare Cicero's poetic with his prose diction; B. Axelson's *Unpoetische Wörter* (Lund 1945) has shown how informative this sort of comparison can be. Chapter 3 continues the examination of Cicero's language. "I caratteri più schiettamente ciceroniani ... appaiono soprattutto nell'uso di una aggettivazione immaginosa ..." (p. 111). Chapter 4 concerns chiefly the metrical technique revealed in the surviving fragments. Especially good are pages 215-225 on the arrangement of words in the Ciceronian hexameter. Chapter 5 deals with Cicero's influence on the Augustan poets. Traglia defends Cicero's originality by attacking "il metodo nordeniano," the method, that is, of supposing Ennius as a common model to account for similarities between Cicero and other poets. The book concludes with three indexes.

Traglia's studies will be of use to anyone interested in the stylistic development of Latin poetry. The length of the book might be criticized; for not many will care to read so much about so dubious a poet.

WENDELL CLAUSEN

AMHERST COLLEGE

**Troy: The Human Remains.** By J. LAWRENCE ANGEL. (*Troy*, Supplementary Monograph 1.) Princeton: Princeton University Press, for the University of Cincinnati, 1951. Pp. vii, 40; 9 tables; 14 plates. \$7.50.

In a beautifully done little monograph, Professor Angel presents the unfortunately scanty skeletal material from Troy, analyzes it, and gives his hypothesis regarding the racial affinities of the Trojans.

As one might expect, this site in a hinge-zone of classical life and movement shows considerable racial mixture. However, the "Mediterranean" predominates throughout. The overall hypothesis of the author is that the Trojans were basically linked with the east, but show their physical connections with the southeast, the south and west (Aegean), the northwest (Balkans), and the north—in descending order of importance.

The hypothetical nature of the conclusions is due not only to the paucity of material (seventeen skulls for the prehistoric period, eleven for the historic), but also to the peculiar difficulties such material offers to the physical anthropologist. He is dealing with minute differences in a part of the human body, the differences themselves capable of wide range of expression, and he is as yet ignorant of the genetic basis for these differences. Professor Angel's use of "types" is the best that can be done with such material.

The mortality statistics (derived from more material than the racial diagnosis) reveal a population of high fertility and high infant mortality and low life expectancy. The youth of the Trojan adult population and the stresses of selection in these early walled cities should aid the classicist in evaluating life among Ilium's topless towers.

J. FRANKLIN EWING, S.J.

FORDHAM UNIVERSITY

## NOTES AND NEWS

This department deals with events of interest to classicists; the contribution of pertinent items is welcomed. Also welcome are items for the section of *Personalia*, which deals with appointments, promotions, fellowships, and other professionally significant activities of our colleagues in high schools, colleges, and universities.

The **Age of Diocletian** was the subject of a three-day symposium held at New York City's Metropolitan Museum of Art on December 14, 15, and 16, 1951. Six scholars presented the papers which made up the symposium: Casper J. Kraemer, Jr., of New York University, "The Historical Pattern"; Eberhard F. Bruck of Harvard University, "Law in a Changing World";

William L. Westermann of Columbia University, "Price Controls and Wages" (this paper provoked a great deal of comment in the press because of the relevance of the topic to the current economic situation); Edwin R. Goodenough of Yale University, "The Religious Aspirations"; Gilbert Highet of Columbia University, "Books and the Crisis"; and Rhys Carpenter of Bryn Mawr College, "Art in Transition." The symposium on the Age of Diocletian is the first of a series of three that will be presented during 1951-1952 under the auspices of the Museum. The purpose of each symposium is to explore the political, economic, and social backgrounds of an important historical period and to relate these diverse cultural factors to its art. In February 1952 a second symposium will consider the Renaissance. This also will be treated as a transitional period, but one which, acting as a transmitter of classical thought, foreshadowed many of our present-day attitudes toward life. The late Roman period with its implications of impending catastrophe and the Renaissance with its message of revived hope will lead to the final symposium in March: "The Modern Scene." The contemporary world will be approached as an opposition of forces—of totalitarianism versus democracy.

New York State's **Eastern Zone Latin Teachers Association** met on November 3, 1951 at the New York State College for Teachers, Albany. Dr. Carl Odenkirchen of the College presented an illustrated lecture entitled "Gateway to Rome"; Dr. Florence E. Raanes of the College's Milne School led an informal discussion on the work of the Junior Classical League. Plans were made for a spring dinner meeting and for a repetition of last year's Latin Prize Contest. The newly elected officers of the Association are: *President*, Miss Isabel Timpel of the Burnt Hills-Ballston Lake H. S.; *Secretary*, Miss Mildred Baker of the Hudson Falls H. S.; *Treasurer*, Miss Elizabeth Ayer of the Emma Willard School, Troy.

**The Linguistic Institute**, under the joint auspices of Indiana University and The Linguistic Society of America, will be held at Indiana University, Bloomington, Indiana, June 18 to August 15, 1952. Elementary and advanced courses in linguistics will be offered. Special conferences will be held in connection with the Institute, and will include a fortnight's conference of anthropologists and linguists (under the joint sponsorship of Indiana University and the Wenner-Gren Foundation for Anthropological Research), July 21-31, and the Summer Meeting of the Linguistic Society of America, August 1-2. An intensive course in Applied Linguistics is being planned for those who seek government or language teaching careers. It is anticipated that special fellowships will be available from the American Council of Learned Societies. Graduate and undergraduate students without fellowships are admitted to the Linguistic Institute upon payment of the regular summer session fees, namely \$5.00 a semester hour for both in-state and out-of-state students. No fees are required of visitors to the Institute who hold the Ph.D. degree. Applications for admission to the Linguistic Institute and requests for financial aid should be addressed to the Assistant Director, Thomas A. Sebeok, Indiana University, Bloomington, Indiana.

#### ADDENDUM TO BOOK-LIST

Too late for inclusion in the Third Annual Report of Inexpensive Books for Teaching the Classics (see pp. 116-119 of this volume, esp. p. 116, n. 1), we received from the office of Penguin Books in England the announcement that the first volume of the Penguin Euripides (*Alcestis, Hippolytus, Iphigenia in Tauris*) would appear in the latter part of 1952, the second volume (*Ion, Trojan Women, Helen, Bacchae*) in 1954. The complete plays of Aeschylus are being contracted for, but the publication date is indefinite.

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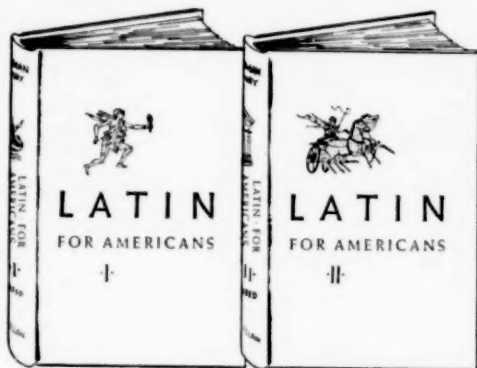
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